

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GMO GAMECENTER USA, INC. and GMO  
INTERNET, INC.,

Plaintiffs,

-against-

WHINSTONE US, CORPORATION,

Defendant.  
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**KATHARINE H. PARKER, United States Magistrate Judge:**

As discussed at the Case Management Conference on April 7, 2025, to the extent either side seeks to move for sanctions concerning the preservation of miner data or Chad Harris' phone data, or to the extent GMO seeks to move for a protective order regarding the deposition of Masatoshi Kumagai, the parties shall do so pursuant to the following schedule: motions due by **May 7, 2025**; oppositions due by **May 21, 2025** and replies due by **May 28, 2025**.

As to the dispute concerning curtailment of power that resulted in payment to Whinstone, the parties are directed to meet and confer on this issue, and Whinstone shall find out what other sources, if any, served as the basis for statistics reported in Riot's public disclosures. If the parties are unable to reach a resolution on this issue by the close of fact discovery, they shall file a letter with the Court by **April 22, 2025**.

As to the disputed topics for Riot's 30(b)(6) deposition, Topic 6 is revised as follows: Riot's understanding of the terms contained in the hosting agreement between Whinstone and Riot in effect for the period between 2021 and 2022. Riot's objection to Topic 9 is overruled. As

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**22-CV-5974 (JPC) (KHP)**

**POST-CONFERENCE ORDER**

to Topic 12, the parties are directed to meet and confer on this topic, as discussed in more detail on the record.


Regarding Whinstone's privilege log concerning documents produced pursuant to the Court's Order at ECF No. 287, Whinstone is required to log documents and communications created after the filing of this lawsuit. Whinstone may produce a categorical log but the categories must be narrowly-tailored.

As to Whinstone's motion to seal at ECF No. 310, seeking to seal deposition testimony from GMO's corporate representative, that motion is denied because the redactions are not consistent with the *Lugosch* standard. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006). **The Clerk of Court is respectfully directed to terminate the motion at ECF No. 310 and to unseal the letter at ECF No. 312.**

A Case Management Conference is hereby scheduled for **May 8, 2025 at 2:30 p.m.** in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York.

**SO ORDERED.**

DATED: New York, New York  
April 8, 2025

  
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KATHARINE H. PARKER  
United States Magistrate Judge